

# **EXHIBIT P**

**Benforado, Nathaniel H.**

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**From:** Kelly Talcott [kelly@kdtalcott.com]  
**Sent:** Monday, April 14, 2014 8:13 AM  
**To:** Benforado, Nathaniel H.  
**Cc:** Kelly Talcott; Bart, Andrew H.; Ted Max; Ken Anderson; Thomas Monahan  
**Subject:** Re: TufAmerica v. Diamond, et al.

Nate, this responds to your letter of Friday evening, April 11.

I tried Friday and over the weekend, but as yet have been unable to confer with the Trouble Funk witnesses or their counsel concerning the matters raised in that letter. I hope to be able to do so today, but I am also going to be out of my office for much of the day, first for a long-scheduled lecture at Pratt Institute, then on various other matters, so I am responding now.

My inability to reach the Trouble Funk witnesses means that I cannot presently address the substance of your claims that UMG-Polygram is a co-owner of the compositions at issue. The most I can say is that I do not disagree that the documents raise issues relevant to this case that I am in the course of attempting to investigate. Unfortunately, as of this morning I have been unable to do so in any detail whatsoever.

As for the recordings, I will point out that DETT, which I believe to be a Trouble Funk-owned entity, released both "Let's Get Small" and "Say What" before the date of the purported TTED/Island agreement you reference in your letter. Further, Messrs. Avery, Fisher, and Reed personally registered their copyrights to those recordings and as far as I am able to determine, those registrations were never transferred to any third party. As of now, I do not believe the case for Island having definitive rights to either recording is as clear cut as your April 11 letter attempts to make it.

As for my March 13 email, I will amend that as follows: the "Say What" recording that I would like defendants to admit to is the version embodied in the DETT Records DT-1002 recording. The "Let's Get Small" recording that I would like defendants to admit to is the version embodied in the DETT Records RC 501 recording. My earlier designation of those recordings was not meant to define them for purposes of this case, but to define them for purposes of addressing objections raised by defendants.

You asked that TufAmerica adjourn the depositions scheduled for this week. These are not TufAmerica's depositions to adjourn. If defendants believe it necessary to adjourn them in light of this information, TufAmerica will not object, nor will we object to a reasonable rescheduling of those depositions even if that takes place after the current fact discovery deadline.

I hope to be able to have substantive discussions with both TufAmerica and the Trouble Funk members today, but as I said my time is somewhat crunched. If I reach them and have any further information to provide I will of course do so, but it will not be until late afternoon at the earliest. In the meantime, if defendants wish to postpone any of this week's depositions, please let me know. This is particularly true for Mr. Fisher's deposition, given the need to arrange his transportation and in view of his personal medical needs.

Best regards,

Kelly

On Fri, Apr 11, 2014 at 6:11 PM, Benforado, Nathaniel H. <[NBenforado@jenner.com](mailto:NBenforado@jenner.com)> wrote:

Kelly,

Please see the attached correspondence. A copy is also being sent by First Class Mail.

Best,

Nate

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### **Nathaniel H. Benforado**

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